



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,838	09/29/2000	William Randolph Abernethy	1497.1002	9563

21171 7590 03/31/2004

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/672,838

Applicant(s)

ABERNETHY, WILLIAM  
RANDOLPH

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-41 is/are rejected.
- 7) ☒ Claim(s) 9, 15, 29 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *because the markings are too small*
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I in Paper No. 9, is acknowledged. Claims 1-31 and 33-41 read on the elected group. Claim 32 has been withdrawn from consideration.

### ***Claim Objections***

Claims 9, 15, 29, and 38 are objected to because of the following informalities: In claim 9, line 3, it appears "stop filed" should be changed to --stop field--, as the language is unclear. In claim 15, last line, the second period should be deleted. In claim 29, line 19, it appears a comma --,-- should be inserted after "type of order". In claim 29, line 19, it appears "limit price filed" should be changed to --limit price field--, as the language is unclear. In claim 29, line 22, it appears "condition filed" should be changed to --condition field--, as the language is unclear. In claim 29, line 24, it appears "time-in force filed" should be changed to --time-in force field--, as the language is unclear. In claim 29, line 30, it appears "use" should be changed to --user--, as the language is unclear. In claim 38, line 2, the terminology, "baskte" is not clearly understood; and it appears the language should be changed to --basket-. Appropriate correction/clarification is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3627

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 and 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belzberg '535 in view of Stallaert et al. '287.

Belzberg '535 discloses, makes obvious, or inherently teaches routing a fungible goods trade order (*i.e.*, *stock trade order*) to an automated trade matching system (*i.e.*, *NASDAQ*) as a market matching order (See, for example, Col. 3, lines 20-32); the system further teaching basket trades (Col. 2, lines 29-32) using a single initiation action (*i.e.*, single key stroke; Col. 3, lines 51-67).

Belzberg '535 lacks the specific teaching of a weighting field allowing a user specified weighting, and limit pricing.

Stallaert et al. '287 teach a similar system and hardware configuration including: a weighting field (for example, step 203), and limit pricing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Belzberg to include specified weighting and limit pricing, in view of Stallaert et al., in order to "squeeze out inefficiencies associated with the fragmented market" (See Stallaert et al., Col. 2, lines 18-20).

Re claims 6, 8-15, 19-29, 35-36, and 39-41: the limitations not clearly disclosed in Belzberg are limitations that are well known in asset trading, and to modify Belzberg to incorporate any of the limitations would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to achieve a desired result.

Art Unit: 3627

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for before-final communications.

F. Zeender  
Primary Examiner, A.U. 3627  
March 29, 2004

 3/29/04